

Meeting: LICENSING COMMITTEE

Agenda Item:

Date: 18 August 2008

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LICENSING ACT 2003 - APPLICATION TO VARY A PREMISE LICENCE

Author - Heather Morris

Ext No. 2175

Lead Officer - Jeff Mason

Ext No. 2684

Contact Officer - Heather Morris / Jeff Mason Ext No. 2175 / 2684

1 PURPOSE

To determine the application to vary the premises licence for Sainsbury's The Poplars, Magpie Crescent.

2 SUMMARY OF APPLICATION

2.1 Type of licence applied for

An application was received from Sainsbury's Supermarkets Limited to vary a premises licence under section 34 of the Licensing Act 2003 (see appendix 1). The Licensing Authority accepted the application on the 27 June 2008.

2.2 Summary of application

Sainsbury's The Poplars is located in Magpie Crescent (see appendix 2 for location map).

The premises is a supermarket which allows for the sale of intoxicating liquor for consumption off the premises only. The variation application is to:

- Permit the sale of alcohol between the hours of 0600 - 2400 hrs daily.

Licensing Officer's Comments: Following the notification of the representations made, the applicant has altered the hours requested for the sale of alcohol as outlined in the table below:

Existing permitted opening hours	Existing hours for sale of alcohol	Proposed hours for sale of alcohol
24 hrs (although the store does not currently use this permission.	Monday to Saturday: 0800 to 2300	0700 to 2300
	Sunday: 1000 to 2230	0700 to 2300
	Christmas Day: 1200 to 1500; and 1900 to 2230	0600 to 2400 from 1 December to 31 December inclusive
	Good Friday: 0800 to 2230	0600 to 2400 Monday prior to Good Friday until and including the Sunday following Easter Monday

3 BACKGROUND INFORMATION

Previous licences held: Justices 'off' licence

Current convictions: None

Details of licence reviews: None

4 PROMOTION OF LICENSING OBJECTIVES

The representations received relate to the objective(s) of:

- The prevention of crime and disorder; and
- The prevention of public nuisance.

The operating schedule submitted by the applicant proposes that as a responsible retailer with written training policies and formal training programmes in place, all the measures currently in place will continue to be in place during any additional hours.

No additional measures have been identified.

5 RESPONSIBLE AUTHORITIES

No representations have been received from the Responsible Authorities.

6 INTERESTED PARTIES

Representations have been received from Interested Parties detailed below. The representations are attached at appendix 3.

Number	Street Name	Representative Body (Yes/No)	Relevant to which licensing objective(s)
3 addresses	Sparrow Drive	No	Public nuisance
1 address	The Lawns	No	Public nuisance; Crime and disorder
Petition of signatures accompanying letter representing 37 addresses detailed below:			
Number	Street Name	Representative Body (Yes/No)	Relevant to which licensing objective(s)
24 addresses	The Lawns	No	Public nuisance; Crime and disorder
23 addresses	Sparrow Drive	No	Public nuisance

Making reference to the map at appendix 2, all of the above addresses are within 300 metres of the centre of the store.

7 POLICY CONSIDERATIONS

7.1 Stevenage Borough Council Statement of Licensing Policy

The following sections of the licensing authority's statement of licensing policy are particularly relevant to this application:

9. Licensing Hours

9.8. The Licensing Authority will generally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for shopping.

9.9. However, it may consider there are very good reasons for restricting those hours, for example, where Police representations are made in respect of isolated shops known to be the focus of disorder and disturbance.

Licensing Officer's Comments: unless there is very good evidence to show that increasing the hours for the sale of alcohol would compromise the licensing objectives, our Policy states that the premises should be allowed to sell alcohol whenever they are open for shopping. Our Policy reflects the statutory guidance summarised in paragraph 10.21 below.

7.2 Guidance issued under s.182

Public nuisance:

2.32. The 2003 Act requires licensing authorities (following receipt of relevant representations) and responsible authorities, to make judgements about what constitutes public nuisance and what is necessary to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on

impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

- 2.38. In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives.

Hours of trading:

10.21. Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours. For example, a limitation may be appropriate following Police representations in the case of some shops known to be a focus of disorder and disturbance because youths gather there.

- 7.3 The Committee is reminded of their duty under the Crime and Disorder Act 1998 to consider the crime and disorder implications of their decisions and the authority's responsibility to co-operate in the reduction of crime and disorder in the Borough.
- 7.4 The Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property, which may include licences in existence, and the protection of private and family life.

BACKGROUND PAPERS

- Licensing Act 2003
- Stevenage Borough Council, Statement of Licensing Policy
- Revised National Guidance issued under section 182 of the Licensing Act 2003, dated 28 June 2007

APPENDICES

- Appendix 1 - Copy of application & amendment to hours for the sale of alcohol
- Appendix 2 - Location map
- Appendix 3 - Representations received